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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,696	12/13/2001	Brian A. Hunter	hunzeb01.007	5130
25247 7590 04/02/2007 GORDON E NELSON PATENT ATTORNEY, PC 57 CENTRAL ST PO BOX 782 ROWLEY, MA 01969			EXAMINER APPLE, KIRSTEN SACHWITZ	
			ART UNIT 3693	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/02/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/018,696

Applicant(s)

HUNTER ET AL.

Examiner

Kirsten S. Apple

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/13/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 14-24 is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) 1-18 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **Detailed Action**

This action is in response to the application filed on 12/13/2001.

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Invention A: Claims 1-10 is directed to a method of determining reliability

Invention B: Claims 11-18 is directed to a method of

Invention C: Claims 19-24 is directed to a system for money transfer

Invention A-C are related as combination and subcombination. Inventions in the relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP 806.05(c)). In the instance case, the combination as claimed does not require the particulars of the subcombination as claimed. Each combination is described above where in no invention combination identified does not perform the other combinations invention.

Applicant's election without traverse Claims 19-24 per a telephone conversation on 3/23/07.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 19-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims must contain a concrete and tangible result.

In particular, with respect to noted claims Examiner finds they lack a tangible result. Examiner notes that the focus of this analysis is on the result, not the individual steps.

With respect to a tangible result, the process must produce a real-world result. The final step of independent claims 19 states, "determine valuation for each asset class." This step does not actually include printing, bidding, buying or selling based on the valuation and as such the Examiner finds that there is no tangible result.

Corrective action to claims is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman (U.S. Patent 6,085,216) in view of Mieghem (stanford dissertation 1995).

**Re claim 19:** Huberman discloses:

*A method, comprising the steps of:*

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*Employing a linear optimization program to optimize the valuation (see Huberman, Figure 10 + column 15, line 60 “expected cost is a linear function of N”)*

*In the linear optimization program, using a real option function to determine valuation for each asset class over the period of time for a particular allocation of the funds to the asset class. (see Mieghem, abstract)*

Although Huberman does not have real options function, Mieghem uses real options with multiple assets (see abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Asset class as taught in Mieghem to Huberman.

It is clear that one would be motivated maximize return of portfolio.

**Re claim 20:** Huberman discloses:

*The data indicates for each asset class a risk over the period of time (see Huberman, Figure 4, 7-11)*

*Employing a constraint in the linear optimization program that specifies a reliability of a return for the portfolio for a particular allocation of funds to the asset classes in a set (see Huberman, Figure 10 + Column 15, line 60 – 62)*

**Re claim 21:** Huberman discloses:

*There is a plurality of risks (see Huberman, Figure 4, 7-11, there are multipul points on the line functions of the graph)*

**Re claim 22:** Huberman discloses:

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*Using the data to determine correlations between the asset classes with regard to the risks of the asset classes (see Huberman, Figure 8 "function of correlation")*

*Using the correlation and the particular allocation of funds to determine the reliability of the return for the portfolio (see Huberman, Figure 8, "risk" is a form of the reliability)*

**Re claim 23:** Huberman discloses:

*Using the correlation in determining a standard deviation of the risk for the particular configuration (see Huberman, Column 19, line 1-10)*

*Using the return for particular allocation of funds and the standard deviation therefor in determining the reliability of the first return (see Huberman, Column 19, line 1-10)*

**Re claim 24:** Huberman discloses:

*Determining a standard deviation for each of the asset classes with regard to the risk (see Huberman, Column 19, line 1-10)*

*Using the correlations and the standard deviations for the asset classes in determining covariance between the asset classes with regard to the risk (see Huberman, Column 19, line 1-10)*

*Using the covariance and the particular allocation of funds in determining the standard deviation of the particular allocation of funds. (see Huberman, Column 19, line 1-10)*

#### **Contact Information**

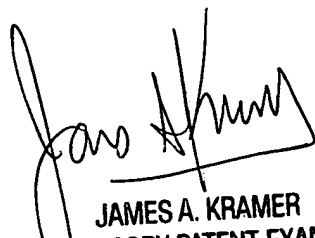
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

 3/29/07  
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